
Public Utilities Commission of the State of California

Public Agenda 3289

Thursday, February 16, 2012 9:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Mark J. Ferron

Michel Peter Florio

Catherine J.K. Sandoval

Timothy Alan Simon

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (9:00 a.m.) <i>Open to the Public</i>
Monday, March 05, 2012 (San Francisco)	Thursday, February 16, 2012 (San Francisco)
Monday, March 19, 2012 (San Francisco)	Thursday, March 08, 2012 (San Francisco)
Monday, April 16, 2012 (San Francisco)	Thursday, March 22, 2012 (San Francisco)
Monday, May 07, 2012 (San Francisco)	Thursday, April 19, 2012 (San Francisco)
Monday, May 21, 2012 (San Francisco)	Thursday, May 10, 2012 (Fresno)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 10, 23, 25, 26, 28

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

Item	Preliminary Categorizations and Hearing Determinations for
1	Recently Filed Formal Applications

[11020]

Res ALJ 176-3289

PROPOSED OUTCOME:

® Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575143

Consent Agenda - Orders and Resolutions (continued)**Item Appeal of Resolution E-4392****2**

[10799]

Res E-4400, Appeal of Resolution E-4392 Filed on February 14, 2011 - Related matters.**PROPOSED OUTCOME:**

® Denies the appeal of Executive Director's Resolution E-4392, and finds that Resolution E-4392 correctly disposed of the protests to Advice Letter 2517-E-A.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573012

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3285, Item 20 12/1/2011 (Ferron);

Agenda 3286, Item 4 12/15/2011 (Staff);

Agenda 3287, Item 3 1/12/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)

**Item YourTel America Inc. to be Designated as an Eligible
3 Telecommunications Carrier in California**

[10840]

Res T-17338, Advice Letter No. 1 filed on April 8, 2011 - Related matters.

PROPOSED OUTCOME:

® Designates YourTel America as an Eligible Telecommunications Carrier to provide federal Lifeline and Link-Up services in California excluding the Small Incumbent Local Exchange Carriers service territories.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573036

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3286, Item 17 12/15/2011 (Staff);

Agenda 3287, Item 5 1/12/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)**Item Setting of Water Rates and Conditions of Water Service at
4 MobileHome Park**

[10891]

C09-11-019

Lucas D. Hernandez, Martha Amezquita, Daniel Gonzalez, Gabriel Cabrera, Severo Rosa, Celia Ruiz, Martha Alvarado, Maria Palma, Federico Garcia, Luis Morales vs. Sunbird Mobile Home Park, Hawkeye Asset Management, James Martin and Betty Martin.

PROPOSED OUTCOME:

- ® Sets MobileHome Park water rates and conditions of water service.
- ® Approves partial settlement agreement.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Nominal, for changing water rates and providing point-of-use filtered water.

(Comr Sandoval - ALJ Weatherford)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574468

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3287, Item 14 1/12/2012 (Simon);

Agenda 3288, Item 4 2/1/2012 (Florio)

Consent Agenda - Orders and Resolutions (continued)**Item California-American Water Company's Recovery of Cost for
5 the Lease of the Sand City Desalination Plant**

[10900]

A10-04-019

Application of California-American Water Company for an Order Authorizing Recovery of Costs for the Lease of the Sand City Desalination Facility and Associated Operating and Maintenance Costs.

PROPOSED OUTCOME:

- ® Denies approval of the Sand City Desalination Plant Lease but creates a purchased water option based on the alternative ratemaking methodology proposed by California-American Water Company.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$779,900 per year.

(Comr Florio - ALJ Bushey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574439

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3287, Item 17 1/12/2012 (Staff);

Agenda 3288, Item 5 2/1/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)

**Item Changes to Southern California Edison Company's Solar
6 Photovoltaic Program**

[10945]

Res E-4453, Advice Letter (AL) 2571-E filed on April 5, 2011 and AL 2571-E-A filed on December 9, 2011 - Related matters.

PROPOSED OUTCOME:

® Approves with modifications various changes to Southern California Edison Company's Solar Photovoltaic Program.

ESTIMATED COST:

® Actual costs are unknown at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575232

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3288, Item 13 2/1/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item Application for Modification of Decision 03-04-030

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[10963]

A11-10-021

Application of Stanford University for Modification of Decision 03-04-030.

PROPOSED OUTCOME:

® Grants the Stanford University Application for Modification of Decision 03-04-030, affirming that loads served by customer generation prior to February 1, 2001 (also referred to as “existing” or “grandfathered” customer generation) and that subsequently switch to direct access service are only obligated to pay direct access cost responsibility surcharges (DA CRS) based on the amount of total annual power consumption (calculated by reference to historical usage) previously provided by the investor-owned utilities pursuant to a standby contract.

® Closes the proceeding.

ESTIMATED COST:

® Affected direct access customer bills will be lower for DA CRS.

® Exact amounts are not calculated.

(Comr Peevey - ALJ Pulsifer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575384

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3287, Item 49 1/12/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item Pacific Gas and Electric Company's Revisions to Gas Rule
8 23

[10964]

Res G-3465, Advice Letter 3244-G filed on October 6, 2011 - Related matters.

PROPOSED OUTCOME:

® Grants Pacific Gas and Electric Company's revisions to Gas Rule 23 subject to modifications of the "Start Date" and the definition of a Core Transport Agent.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574442

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3288, Item 17 2/1/2012 (Simon)

Consent Agenda - Orders and Resolutions (continued)

Item 9 **PureSource Water, Inc. for a General Rate Increase to**
Produce Additional Annual Revenue for Test Year 2011 and
[10977] **to Establish Facilities Fees**

Res W-4904, Advice Letter 24 filed on August 19, 2011 - Related matters.

PROPOSED OUTCOME:

® Grants authority to PureSource Water, Inc. (PWI) to file a supplemental advice letter (AL) to make effective revised rate schedule attached to this resolution as Appendix B.

® Grants authority to PWI to file a Tier 1 AL within 30 days of the effective date of this resolution revising its Title Page and Schedule UF, Surcharge to Fund Public Utilities Commission Reimbursement Fee.

ESTIMATED COST:

® \$16,317 or 30.39%.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575054

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline**10**

[10981]

I11-02-016

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Transmission System Pipelines.

PROPOSED OUTCOME:

® Extends date to resolve proceeding to February 24, 2014.

ESTIMATED COST:

® None.

(Comr Florio - ALJ Yip-Kikugawa)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575264

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)

Item **Seven Consortia Grants Under the California Advanced**
11 **Services Fund's Rural and Urban Regional Broadband**
[10987] **Consortia Grant Account**

Res T-17355

PROPOSED OUTCOME:

® Approves \$1.05 million to fund the cost of broadband deployment activities other than the capital cost of facilities by seven consortia grantees for Year 1.

ESTIMATED COST:

® \$1.05 million.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574937

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Item **Pacific Gas and Electric Company's Third Proposed**
12 **Amendment to Existing Qualifying Facility Contract**
[10988]

Res E-4452, Advice Letter (AL) 3917-E filed on October 3, 2011, as amended by supplemental AL 3917-E-A filed on October 14, 2011 - Related matters.

PROPOSED OUTCOME:

® Approves the Proposed Amendment of the existing Qualifying Facility contract between Pacific Oroville Power Inc. and Pacific Gas and Electric Company.

® Approves the Proposed Amendment with modifications.

ESTIMATED COST:

® Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575331

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)**Item Disclosure of Records of an Investigation****13**

[10993]

Res L-430

Authorizes the disclosure of records concerning the California Public Utilities Commission Consumer Protection and Safety seeking disclosure of the Commission Consumer Protection and Safety Division's investigation or audits relating to Pacific Gas & Electric Company (PG&E) leak surveys and/or the effectiveness of PG&E's external corrosion direct assessment program.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575200

Pub. Util. Code § 311 – This item was mailed for Public Comment.

**Item West San Martin Water Works, Inc. for a General Rate
14 Increase to Produce an Increase in Average Rates for Test
[10996] Year 2011**

Res W-4905, Advice Letter 51 filed on October 21, 2011 - Related matters.

PROPOSED OUTCOME:

- ® Grants authority to file a supplemental advice letter (AL) with the revised rate schedules attached to this resolution as Appendix B.
- ® Grants authority to file a Tier 1 AL within 30 days from the effective date of this resolution revising its rules and forms in Ordering Paragraph 3.
- ® Grants authority to file a Tier 1 AL within 30 days from the effective date of this resolution to recover the difference between AL 50 and the rates authorized in this resolution.

ESTIMATED COST:

- ® \$97,219 or 32%.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575290

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)

Item Order Closing Consolidated Proceeding**15**

[10998]

A08-05-022, A08-05-024, A08-05-025, A08-05-026 - Related matters.

Application of Pacific Gas and Electric Company for Approval of the 2009-2011 Low Income Energy Efficiency and California Alternate Rates for Energy Programs and Budget.

PROPOSED OUTCOME:

® Closes Application (A) 08-05-022, A08-05-024, A08-05-025, and A08-05-026.

ESTIMATED COST:

® None.

(Comr Simon - ALJ Kim)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575144*Pub. Util. Code § 311 – This item was mailed for Public Comment.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Consent Agenda - Orders and Resolutions (continued)

Item **Southern California Edison Company, Pacific Gas and**
16 **Electric Company, and California Center for Sustainable**
[11000] **Energy to Streamline the California Solar Initiative**
 Application Process

Res E-4472, Southern California Edison Company Advice Letter (AL) 2655-E filed on November 18, 2011; Pacific Gas and Electric Company AL 3950-E filed on November 18, 2011; California Center for Sustainable Energy AL 25, filed on November 18, 2011 - Related matters.

PROPOSED OUTCOME:

® Approves the California Solar Initiative (CSI) Program Administrators' (PA) request for the modification of applicant response times for incomplete applications to 14 calendar days, and associated proposals to streamline the application process, as originally proposed in the PAs' Advice Letters (AL) submitted November 2011.

® Approves all other amendments to the CSI Program Handbook proposed in the above AL's.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575085

Consent Agenda - Orders and Resolutions (continued)**Item San Diego Gas & Electric Company to Issue up to \$750
17 Million of New Debt Securities**

[11006]

A11-10-016

Application of San Diego Gas & Electric Company for authorization to: (1) issue certain tax exempt Debt Securities (First Mortgage Bonds, debentures, overseas indebtedness, foreign securities, medium-term notes, accounts receivable financing) in order to guarantee the obligations of others, and to enter into long-term loans, in an aggregate principal amount up to \$750 million of debt capital, in addition to previously-authorized amounts; (2) include certain features in the Debt Securities or to enter into certain derivative transactions related to underlying debt in order to improve the terms and conditions of the debt portfolio and with the goal of lowering the cost of money for the benefit of ratepayers; (3) hedge planned issuances of Debt Securities, (4) obtain certain exemptions from the Commission's Competitive Bidding Rule; and (5) take all other necessary, related actions.

PROPOSED OUTCOME:

- ® Grants San Diego Gas & Electric Company (SDG&E) the authority to issue up to \$750 million of new debt securities.
- ® Authorizes SDG&E to:
- ® Encumber utility property.
- ® Guarantee the securities or other obligations of SDG&E's regulated affiliates and regulated subsidiaries, and political subdivisions that issue securities on behalf of SDG&E.
- ® Enter into debt securities enhancement features.
- ® Receive certain exemptions from the Commission's Competitive Bidding Rule.
- ® Closes the Proceeding.

ESTIMATED COST:

- ® None.

(Comr Ferron - ALJ Wilson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575188

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Petition for Modification of Decision 11-11-018**
18

[11016]

A10-07-019

In the Matter of the Application of San Gabriel Valley Water Company for Authority to Increase Rates Charged for Water Service in its Los Angeles County Division in July 2011, 2012, and 2013 and in its Fontana Water Company Division in July 2011.

PROPOSED OUTCOME:

- ® Grants Modification of Decision 11-11-018 to correct errors in parties' settlement agreement.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Reduces total revenue requirement from \$69,973,500 to \$63,682,700.

(Comr Sandoval - ALJ Hecht)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575139

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Item Agate Bay Water Company, Inc. for a Rate Base Offset
19 Revenue Increase to Produce an Increase in Gross Annual
[11018] **Revenue of \$14,088 or 4.00%**

Res W-4906, Advice Letter 35 filed on September 26, 2011 - Related matters.

PROPOSED OUTCOME:

- ® Grants authority to file a supplemental advice letter to make effective revised rate schedules attached to this resolution as Appendix B.

ESTIMATED COST:

- ® \$14,088 or 4.00%.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575295

Consent Agenda - Orders and Resolutions (continued)**Item Order Extending Statutory Deadline****20**

[11019]

A09-04-007, A09-04-009 - Related matters.

Application of Pacific Gas and Electric Company in its 2009 Nuclear Decommissioning Cost Triennial Proceeding.

PROPOSED OUTCOME:

® Extends the statutory deadline for these consolidated proceedings to April 30, 2012.

ESTIMATED COST:

® None.

(Comr Simon - ALJ Darling)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573674*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**Item Stewart Water Company to be Exempted From Commission
21 Jurisdiction**

[11026]

Res W-4907, Advice Letter 13 filed on December 27, 2011 - Related matters.**PROPOSED OUTCOME:**

® Cancels the tariffs and the utility should be classified as no longer regulated by the Commission.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575025

Consent Agenda - Orders and Resolutions (continued)**Item New Order Instituting Rulemaking****22**

[11027]

R_____

Order Instituting Rulemaking Pursuant to Senate Bill No. 790 to Consider and Adopt a Code of Conduct, Rules and Enforcement Procedures Governing the Conduct of Electrical Corporations Relative to the Consideration, Formation and Implementation of Community Choice Aggregation Programs.

PROPOSED OUTCOME:

® Opens the rulemaking pursuant to Senate Bill 790 (Leno), Stats 2011, ch. 599, which directs the California Public Utilities Commission to consider and adopt a code of conduct, rules and enforcement procedures to govern the conduct of electrical corporations relative to community choice aggregation programs.

® Proposes rules of conduct and enforcement procedures pursuant to the Legislature's direction.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575239

Consent Agenda - Orders and Resolutions (continued)

Item Modified Presiding Officer's Decision Regarding a Complaint**23**

[11028]

C09-09-016

California Building Industry Association vs. Pacific Bell Telephone Company d/b/a AT&T California.

PROPOSED OUTCOME:

- ® Grants, in part, and denies, in part, complaint.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Florio - ALJ Wetzell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=572099

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)

**Item Gores AC Holdings, LLC to Acquire Control of First
24 Communications, Inc.**

[11029]

A11-09-023

Joint Application of First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Gores AC Holdings, LLC for approval of Transfer of Control.

PROPOSED OUTCOME:

- ® Grants applicants' request for Gores AC Holdings, LLC to acquire control of First Communications, Inc., and indirectly to acquire control of the Operating Companies.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None foreseen at this time.

(Comr Sandoval - ALJ Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=572016

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

Item **Pacific Gas and Electric Company's Settlement Agreement**
25 **Regarding the Resource Adequacy Reporting in March,**
[11030] **April, and July of 2010**

I11-06-011

Order Instituting Investigation on the Commission's own motion into the Operations and Practices of Pacific Gas and Electric Company; Notice of Opportunity for Hearing; and Order to Show Cause why the Commission Should not Impose Fines and Sanctions for Pacific Gas and Electric Company, March, April and July 2010 Violation of System Resource Adequacy Requirements.

PROPOSED OUTCOME:

® Adopts Settlement Agreement between Consumer Protection and Safety Division and Pacific Gas and Electric Company (PG&E) by which PG&E shall pay \$215,000 to the State of California General Fund.

® Closes the proceeding.

ESTIMATED COST:

® No cost.

® Payment to State General Fund of \$215,000.

(Comr Ferron - ALJ Duda)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573523

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)**Item Order Extending Statutory Deadline**
26

[11031]

C10-02-027

Level 3 Communications, LLC vs. Hypercube Telecom, LLC.

PROPOSED OUTCOME:

® Extends the statutory deadline for this proceeding until February 23, 2013.

ESTIMATED COST:

® None.

(Comr Sandoval - ALJ DeAngelis)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573901*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Item Amends Scope of Rulemaking 11-02-019 to Implement
27 Senate Bill 705 and Adds Respondents

[11032]

R11-02-019

Order Instituting Rulemaking on the Commission's Own Motion to Adopt New Safety and Reliability Regulations for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms.

PROPOSED OUTCOME:

® Amends Rulemaking 11-02-019 to implement Senate Bill 705.

® Adds respondents to the proceeding.

® Orders various audits.

ESTIMATED COST:

® Unknown.

(Comr Florio - ALJ Bushey)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Modified Presiding Officer's Decision Regarding Tracfone
28 Wireless, Inc.**

[11036]

109-12-016

Order Instituting Investigation on the Commission's own motion into the alleged failure of TracFone Wireless, Inc. to collect and remit public purpose program surcharges and user fees on revenue from its sale of intrastate telephone service to California consumers, in violation of the laws, rules and regulations of this State; Order to Show Cause why Respondent should not immediately be ordered to pay all such outstanding sums plus interest, and be subject to penalties for such violations.

PROPOSED OUTCOME:

® The evidence establishes that TracFone Wireless, Inc. (TracFone) operates within California as a public utility and a telephone corporation under Cal. Const., art. XII, § 3; Public Utilities Code §§ 216, 233, and 234.

® The evidence further establishes that the user fees and the public purpose program surcharges apply to the prepaid wireless services provided by TracFone and that TracFone is ultimately responsible for the payment of these user fees and surcharges.

® Finds that TracFone violated statutory law and Commission decisions in failing to ensure the payment of these surcharges.

® We will consider the issue of whether a penalty is appropriate and the amount owed, if any, in past due surcharges as a result of TracFone's violations in phase 2 of this proceeding.

® The proceeding remains open for consideration of phase 2.

ESTIMATED COST:

® Unknown.

(Comr Florio - ALJ DeAngelis)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573658

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)

Item **Certificate of Public Convenience and Necessity to**
29 **Liberty-Bell Telecom, LLC dba DISH Network Phone &**
[11037] **Internet**
A11-10-006

PROPOSED OUTCOME:

® Grants Liberty-Bell Telecom, LLC dba DISH Network Phone & Internet a Certificate of Public Convenience and Necessity for resold and limited facilities-based competitive local exchange and interexchange services in California.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Sandoval - ALJ Fitch)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573675

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Intervenor Compensation Orders**Item Compensation to Women's Energy Matters****30**

[10984]

R10-05-006

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

PROPOSED OUTCOME:

® Denies intervenor compensation to Women's Energy Matters due to lack of substantial contribution to Decision 11-05-015.

ESTIMATED COST:

® None.

(Comr Peevey - ALJ Allen)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E53557

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Intervenor Compensation Orders (continued)**Item Compensation to Women's Energy Matters****32****(Rev.)**

[10985]

A09-12-020, I10-07-027 - Related matters.

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2011.

PROPOSED OUTCOME:

® Awards Women's Energy Matters \$83,634.53 in intervenor compensation for contributions to Decision 11-05-018.

ESTIMATED COST:

® Pacific Gas and Electric Company will pay the awarded amount of \$83,634.53, plus interest.

(Comr Peevey - ALJ Division)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575249

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

02/13/2012 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda**Regular Agenda - Energy Orders**

- Item** **Pacific Gas and Electric Company, San Diego Gas & Electric**
31 **Company, and Southern California Edison Company's**
[10792] **2012-2014 Demand Response Programs, Activities and**
 Budgets

A11-03-001, A11-03-002, A11-03-003 - Related matters.

Application of Pacific Gas and Electric Company for Approval of Demand Response Programs, Pilots and Budgets for 2012-2014.

PROPOSED OUTCOME:

® Adopts demand response Programs and Activities for Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE).

® Authorizes budgets of \$208 million for PG&E, \$184 million for SCE, and \$64 million for SDG&E.

® Closes the proceeding.

ESTIMATED COST:

® \$457,371,966.

(Comr Peevey - ALJ Hymes)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573128

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3285, Item 41 12/1/2011 (Ferron);

Agenda 3286, Item 48 12/15/2011 (Peevey);

Agenda 3287, Item 59 1/12/2012 (Ferron)

Regular Agenda - Energy Orders (continued)

Item **Continuation of Existing Rules and Adoption of New Rules**
33 **Governing Service Disconnection Practices of Pacific Gas**
(Rev.) **and Electric Company and Southern California Edison**
[10979] **Company**

R10-02-005

Order Instituting Rulemaking on the Commission's Own Motion to Address the Issue of Customers' Electric and Natural Gas Service Disconnection.

PROPOSED OUTCOME:

® Continues existing rules in effect and adopts new rules to remain in effect until December 31, 2013, subject to a benchmark provision that may allow the rules to cease effectiveness before that date.

® Closes the proceeding.

ESTIMATED COST:

® \$453,000 for Southern California Edison Company and \$4.8 million for Pacific Gas and Electric Company as of March 2011.

® These amounts are increasing overtime.

(Comr Florio - ALJ Ebke)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575204

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

02/07/2012 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item Petition for Modification of Decision 09-06-049**34**

[10980]

A08-03-015

Application of Southern California Edison Company for Authority to Implement and Recover in Rates the Cost of its Proposed Solar Photovoltaic (PV) Program.

PROPOSED OUTCOME:

- ® Partially grants Southern California Edison Company's (SCE) petition for modification of Decision (D) 09-06-049 (Solar Photovoltaic Program by):
- ® Reducing the currently authorized 250 megawatt (MW) utility-owned generation portion to no more than 125 MW (but no less than 115 MW without additional authorization), with the amount of ground-mounted facilities increased from 10% to 20%, but other parameters unchanged.
- ® Reducing the currently authorized 250 MW independent power producer portion to no more than 125 MW (but no less than 115 MW without additional authorization), with the amount of ground-mounted facilities increased from 10% to 20%, but other parameters unchanged.
- ® Establishing procurement of the remaining 250 MW through the Renewable Auction Mechanism (RAM), with all RAM protocols unchanged.
- ® Reducing the reasonable total costs estimates for the utility-owned generation portion on a proportional basis.
- ® Requiring SCE to file, within 14 days of the date the decision is issued, a Tier 2 advice letter that specifies, for the 250 MW to be procured through RAM, the amount of each RAM product the utility will solicit in each remaining auction.
- ® The decision modifies D10-12-048 (RAM) by increasing SCE's RAM allocation to a total of 748.4 MW (of which 239 MW has been satisfied by application of capacity from its Renewable Standard Contract program).
- ® Closes the proceeding.

ESTIMATED COST:

- ® Reduction of \$300,000,000 in present value of revenue requirements.

(Comr Ferron - ALJ Ebke)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575185

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda - Energy Orders (continued)**Item Implementing Assembly Bill 1954**
35

[10986]

I08-03-010, R08-03-009 - Related matters.

Order Instituting Investigation on the Commission's own Motion to actively promote the development of transmission infrastructure to provide access to renewable energy resources for California.

PROPOSED OUTCOME:

® Establishes requirements for advice letters submitted under Public Utilities Code Section 399.2.5(c)(1) and (c)(2), which allow investor-owned utilities to seek recovery of the costs of constructing new transmission to facilitate achievement of the renewables portfolio standard.

® Closes the proceeding.

ESTIMATED COST:

® Unknown, but will be determined through Commission advice letter process.

(Comr Ferron - ALJ Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575317

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

Regular Agenda - Energy Orders (continued)

Item **Pacific Gas and Electric Company, Southern California**
36 **Edison Company and San Diego Gas & Electric Company to**
[10999] **Enter Negotiations With Calpine's Sutter Energy Center**

Res E-4471

PROPOSED OUTCOME:

® Orders Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company to negotiate to enter into a contract with Calpine's Sutter Energy Center to end no later than December 31, 2012.

® Adopts a non-bypassable charge to pay for the cost of the contract.

ESTIMATED COST:

® Not to exceed \$2.95 million per month, to a total of \$29.5 million.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575373

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Regular Agenda - Energy Orders (continued)**Item Pacific Gas and Electric Company's Three Contract
37 Transactions With GWF**

[11001]

A11-07-010

Application of Pacific Gas and Electric Company for Approval of the GWF Transaction and Associated Cost Recovery.

PROPOSED OUTCOME:

- ® Approves three contracts between Pacific Gas and Electric Company and GWF which will close five petroleum coke power plants and extend two combustion turbine peakers for 10 years.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Likely ratepayer benefits of between \$0 and \$22 million.

(Comr Florio - ALJ Gamson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575205

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda - Energy Orders (continued)

Item 38
[11003] **Status Report and/or Discussion of Petition for Modification of Decision 10-04-027 and Related Motion for Stay of Implementation of that Decision, Related to Southern California Gas Company's Smart Meter Implementation Application**

A08-09-023

Application of Southern California Gas Company for Approval of Advanced Metering Infrastructure.

Request of Commissioners Mark J. Ferron and Michel Peter Florio for status report and/or discussion of the Petition for Modification of Decision (D) 10-04-027 and the Motion for an Immediate Stay of implementation of D10-04-027, both filed by the Division of Ratepayer Advocates and The Utility Reform Network on November 16, 2011.

These documents are available at the Commission's web site at:

Petition for Modification:

<http://docs.cpuc.ca.gov/efile/PM/153460.pdf>

Motion for Stay of Implementation:

<http://docs.cpuc.ca.gov/efile/MOTION/153464.pdf>

Related filings:

<http://docs.cpuc.ca.gov/published/proceedings/A0809023.htm>

(Comr Peevey - ALJ Hecht)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Item 39
[11004] **Status Report and/or Discussion of Request for Commission Review of Industry Division Approval of Southern California Gas Company Advice Letters (AL) 4245 and AL 4245-A Filed in Compliance with Decision 10-04-027**

, Advice Letters (AL) 4245 filed May 27, 2011 and AL 4245-A filed October 21, 2011 - Related matters.

Request of Commissioners Mark J. Ferron and Michel Peter Florio for status report and/or discussion of request for Commission Review of Industry Division approval of Advice Letters (AL) 4245 and AL 4245-A, related to Smart Meter Implementation Contracts.

No links to these documents are available.

Regular Agenda - Communication Resolutions and Reports**Item Suspends the Communications Division's Written
40 Disposition of TelePacific's Advice Letter 314**

[10677]

Res T-17344**PROPOSED OUTCOME:**

® Directs parties to the proposed transaction to file an application seeking Commission approval of the processed acquisition of assets.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574646

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3282, Item 19 10/6/2011 (Staff);

Agenda 3283 , Item 12 10/20/2011 (Peevey);

Agenda 3284, Item 44 11/10/2011 (Pub. Util. Code §311(e));

Agenda 3285, Item 46 12/1/2011 (Florio);

Agenda 3287, Item 64 1/12/2012 (Sandoval);

Agenda 3288, Item 31 2/1/2012 (Sandoval)

Regular Agenda - Communication Resolutions and Reports (continued)**Item ALTERNATE TO ITEM 10677****40a**

[10804]

PROPOSED OUTCOME:

® This alternate resolution denies the protest of Straitshot RC LLC and approves U.S. TelePacific Advice Letter 314 granting authority for the acquisition of the assets, customer base and operating authority of IXCH, Inc., by TelePacific's subsidiary, TelePacific Managed Services.

ESTIMATED COST:

® None.

(Comr Peevey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574651

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3284, Item 44a 11/10/2011 (Pub. Util. Code §311(e));

Agenda 3285, Item 46a 12/1/2011 (Florio);

Agenda 3287, Item 64a 1/12/2012 (Sandoval);

Agenda 3288, Item 31a 2/1/2012 (Sandoval)

Regular Agenda - Water/Sewer Orders**Item Approval to Implement the Carmel River Reroute and San
41 Clemente Dam Removal Project**

[10823]

A10-09-018

Application of California-American Water Company for Authorization to Implement the Carmel River reroute and San Clemente Dam Removal Project and to Recover the Costs Associated with the Project in Rates.

PROPOSED OUTCOME:

® Approves California-American Water Company's (Cal-Am) request to implement the Carmel River Reroute and San Clemente Dam Removal Project (Project) in partnership with the California State Coastal Conservancy and the National Marine Fisheries Service.

® Authorizes ratepayer recovery of Cal-Am's funding portion of the Project, \$49 million, to be paid through a volumetric surcharge on customers' bills over the next 20 years.

® Opens an adjudicatory phase of this proceeding to consider an order to show cause as to why applicant should not be fined or otherwise sanctioned for a failure to comply with Rule 1.1 of the Commission's Rules of Practice and Procedure, and Sections 2107 and 2108 of the Public Utilities Code.

ESTIMATED COST:

® \$49 million.

(Comr Peevey - ALJ Walwyn)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574308

Pub. Util. Code § 311 – This item was mailed for Public Comment.

This matter may be considered during the Ratesetting Deliberative Meeting.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3286, Item 54 12/15/2011 (Staff);

Agenda 3287, Item 66 1/12/2012 (Ferron);

Agenda 3288, Item 32 2/1/2012 (Ferron)

Regular Agenda - Legal Division Matters**Item 42 Comments Before the Federal Communications Commission
in the Matter of Connect America Fund, et al.**

[10992]

FCC 11-161; WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109; WT Docket No. 10-208

Federal Communications Commission (FCC) Report and Order and Further Notice of Proposed Rulemaking In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund; FCC 11-161; WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket 96-45; WC Docket No. 03-109; WT Docket No. 10-208; rel. November 18, 2011.

On November 18, 2011, the FCC issued a report and order and further notice of proposed rulemaking seeking further comment on various related to the reform and modernization of the intercarrier compensation system, and on additional topics to guide the next steps to comprehensive reform initiated in the Order, including the transition to bill-and-keep and IP-to-IP interconnection.

Staff seeks authority to file comments in response.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575388

Regular Agenda - Legislative and Other Matters

Item **Proposed Legislation on Expedited Permitting**
43
(Rev.)
[11007]

This bill would provide the state's gas utilities with the right to expedited permitting by counties and municipalities for pipeline inspection, remediation and replacement work undertaken pursuant to pipeline integrity management. (Legislative Subcommittee Recommendation: Support as sponsor).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575362

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Item **Proposed Legislation on Safety Inspections**
44
(Rev.)
[11008]

This bill would require that if the operator of a propane distribution system or a mobilehome park gas distribution system demonstrates compliance with the initial inspection, additional inspections be made pursuant to a risk-based inspection schedule adopted by the California Public Utilities Commission. (Legislative Subcommittee Recommendation: Support as sponsor).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575374

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Legislative and Other Matters (continued)

Item Proposed Legislation on Railroad Crossings
45
(Rev.)
[11009]

This bill would exempt from the California Environmental Quality Act actions or activities taken by the California Public Utilities Commission under its authority to regulate railroad crossings. (Legislative Subcommittee Recommendation: Support as sponsor).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575361

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Item Public Utilities Commission: Public Safety
46
(Rev.)
[11010]

AB 838 (Hill)

This bill would require the California Public Utilities Commission to appoint an assistant executive director for public safety who would coordinate all actions of all divisions of the commission to ensure public safety is a primary goal in all proceedings held by the Commission. (Legislative Subcommittee Recommendation: Support).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575286

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Item Energy Efficiency
47
[11011]
AB 904 (Skinner)

This bill would require the California Public Utilities Commission, as part of Rulemaking 09-11-014, to evaluate reasonable alternatives for financing residential energy efficiency retrofits, including efficiency improvements of heating, ventilation and air-conditioning. (Legislative Subcommittee Recommendation: _____).

Regular Agenda - Legislative and Other Matters (continued)**Item Telecommunications: Prepaid Mobile Telephony Services:
48 Taxes and Fees**

[10903]

AB 1050 (Ma)

This bill would establish a uniform method for retail sellers of prepaid mobile telephony communications services to use to collect from customers local and certain state communications taxes, fees and surcharges. The bill would establish a "prepaid communications charge" consisting of a state component and a local component, and require all customers purchasing prepaid mobile telephony service(s) at retail to pay the charge to the retailer seller. (Legislative Subcommittee Recommendation: Oppose).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=570562

Agenda 3286, Item 59 12/15/2011 (Simon);

Agenda 3287, Item 70 1/12/2012 (Staff);

Agenda 3288, Item 34 2/1/2012 (Peevey)

**Item Energy: Energy Efficiency
49**

[11012]

AB 1124 (Skinner)

This bill would require the California Public Utilities Commission, in its review of the energy efficiency programs of electrical corporations and gas corporations, to ensure compliance with specified principles. (Legislative Subcommittee Recommendation: _____).

**Item Gas Corporations: Rate of Return: Safety
50**

[11013]

AB 1456 (Hill)

This bill would require the Commission to consider the safety performance of a gas corporation in determining what constitutes a just and reasonable rate of return. (Legislative Subcommittee Recommendation: _____).

Regular Agenda - Legislative and Other Matters (continued)**Item Public Works: Excavations: Violations****51****(Rev.)**

[11014]

AB 1514 (Lowenthal)

This bill would authorize the California Public Utilities Commission to bring an action for enforcement against an operator or excavator who negligently or knowingly and willfully violates the requirement to contact a regional notification center prior to excavation, and, if practical, to delineate the areas to be excavated. (Legislative Subcommittee Recommendation: Support as sponsor).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575329

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Item Commercial Air Carriers: Hot Air Balloons**52****(Rev.)**

[11015]

AB 1524 (Allen)

This bill would indefinitely exclude from the definition of commercial air operator a person furnishing or providing transportation by hot air balloon for hire and excludes from the definition of aircraft a hot air balloon, as provided. (Legislative Subcommittee Recommendation: Support).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575302

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Legislative and Other Matters (continued)**Item Public Utilities Commission: Public Records**
53**(Rev.)**

[11023]

AB 1541 (Dickinson)

This bill would provide that all records of, or filed with, the California Public Utilities Commission be public records that shall be subject to the California Public Records Act, except as specified. (Legislative Subcommittee Recommendation: Support if amended).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575285

02/09/2012 - This revision was not shown on the Agenda mailed to the public.

Item Public Utilities Commission: Commissioners: Executive
54 Employees**(Rev.)**

[11024]

SB 981 (Yee)

This bill would prohibit a Commissioner or Executive Division employee of the California Public Utilities Commission (CPUC) from becoming an employee of, or being compensated on behalf of, a public utility subject to CPUC jurisdiction and vice versa. (Legislative Subcommittee Recommendation: Oppose).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575369

02/10/2012 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Commissioner Reports

Regular Agenda - Management Reports and Resolutions

Item	Report and Discussion by Consumer Protection and Safety
55	Division on Recent Safety Program Activities
[11021]	

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing

Item Conference with Legal Counsel - Application for Rehearing
56
 [11022]

Compilation of applications for rehearing recently filed with the Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Item Conference with Legal Counsel - Application for Rehearing
57
 [10994]

A08-09-024, C08-03-021, C09-02-007, C09-03-027 - Related matters.

Disposition of Applications for Rehearing of Decision (D) 11-05-026, filed by San Pablo Bay Pipeline Company and Shell Trading Company. In D11-05-026, the Commission set rates for the transportation of crude oil between the San Joaquin Valley and the San Francisco Bay Area, ordered refunds and adopted tariffs for heated oil service.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Agenda 3288, Item 39 2/1/2012

Closed Session - Applications for Rehearing (continued)

Item Conference with Legal Counsel - Application for Rehearing

58

[10995]

(ECP) C11-08-007

Disposition of application for rehearing of Decision (D) 11-11-003 filed by John E. Gregory. D11-11-003 found that the Complaint in this proceeding was seeking damages, which the Commission is without authority to award.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Agenda 3288, Item 40 2/1/2012

Item Conference with Legal Counsel - Application for Rehearing

59

[11025]

C10-10-015

Disposition of application for rehearing of Decision (D) 11-10-025 (Decision) filed by BNSF Railway Company (BNSF). In D11-10-025, the Commission approved the request of Calico Solar, LLC for immediate use of BNSF's private at-grade rail crossing at Hector Station. In addition, the Decision approved construction of a new grade-separated rail crossing at a different location, contingent on final approval of the Calico Solar Project by the California Energy Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Existing Litigation - Non-Federal

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

Closed Session - FERC Docket No. EL00-95-000, et al.

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session